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File No. S Belgaum 14/51

Legal DEPARTMENT
E BRANCH

Subject:— Suits Belgaum

In the Court of the District Judge, Belgaum
Miscellaneous Application no. 42 of 1950
Gangaram Shakappa Bhandari -- Applicant
vs
The Director of Local Authorities, } Opponents
S.D. Belgaum and another
Miscellaneous Application no. 43 of 1950
Khenji Tukaram Godse -- Applicant
vs
The Director of Local Authorities } Opponents
S.D. Belgaum & another
Miscellaneous Application no. 44 of 1950
Mallappa Annappa Kolhapure -- Applicant
vs
The Director of Local Authorities } Opponents
S.D. Belgaum & another
Re: Application for a declaration that the Order of the Commissioner holding the applicants liable for the Loss to the Municipality is illegal and ineffective

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Vs.

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Mallappa Annappa Kolhapure

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. Director of Local Authorities and another.

Application for a declaration that the order of the Commissioner holding the applicants liable for the loss of the municipality is illegal and ineffective.

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Misc. No. 42 of 1950.

In the Court of District Judge, at Belgaum.

1. Jangaram Dhalappa Dhanderi of ... .. Applicant.
219 Khasabag Uppara Galli, Belgaum.

Against.

1. The Director of Local Authority, S.D. Belgaum.
2. The Belgaum Munacipal Borough, through its Chief Officer. | Opponents.

An application under Section 13(1)(a) of the Bombay Local Fund Audit Act, 1930(Bombay Act No. XIV of 1930)

Herein, the applicant, above named, submits as follows:-

The applicant was a Member of the Municipal Borough, Belgaum, in the year 1937-1938. He was also a member of the Standing Committee during the period. The Municipality had under taken a scheme of constructing and widening Bhangi passages in the City of Belgaum. In furtherance of that -- scheme, it purchased C.T.S. 4196(a built area) for Khadak-ga Bhangi passage for Rs. 1550/- and C.T.S.No. 224 and 227 - (partially built area) for Godse Gallim Bhangi passage, for Rs. 1450/- from the respective owners thereof by private - negotiations. A Sub-Committee of two members in each case was accpinted by the General Body as its delegates to dete -rmine and settle the prices with the owners. Accordingly, the members of the two committees visited the properties approached the owners and fixed the above valuations, viz Rs. 1550/- and Rs. 1450/- on certain conditions. The ~~xxx~~ owners agfeed in writing to the prices as well as to the conditions. The office staff of the Munacipality concerned with this branch of the administration, prepared bills for payment to the owners and placed them for sanction be ore the Standing Committee which sanctioned them, viz., Rs.1450/ on 2-9-1937 and Rs. 1550/- on 5-5-1938. The amounts were - later on paid to the owners and sale-deeds obtained. These properties had been, before the proposed acquisition, valued by the Munacipalk staff of that branch at Rs.1080/- for C.T.

C.T.S. 4196 and at Rs. 1130/- for C.T.S.No.224 and 227. Subsequently, the accounts of the Munaciapàlity were audited by the Examiner Local Fund Accounts, who objected to the excess payments in his audit notex These objections were a matter of long discussàdn and correspondence between the Municipàlity and the Collector of Belgaum. The exaplanatiàn given by the Municipality and at a very late stage called for from the applicant and otßer members of the Standing Committee were not acceptek and finally the Commissioner S.D. was pleased to order on 5-3-50 under sec. 11 of the Bombay Local Fund Audit Act that the excess amounts of Rs. 470/- and 422/-(this probably includes - balus of material); which were unjustified and a loss to the Municipality, should be recoverèd from the applicant and some other members of the Standing Committee who were present at the meeting when the bills for payemàk were - sanctioned and paid to the Munacipality. The applicant was at the one of two meetings of the Standing Committee with respect to C.T.S.No. 224 and 227 wherein the bills were - sanctioned and he is held resposniblex for both the amounts joinly and severally with others, as stated in the Commissioner's order, annexed herewith.

The applicant submits that this order of the - Commissioner, which was received by him through registered post on 5-4-1950, is illegal, ultra vires and untenable even on - facts and sets forth briefly, among others, the follwoing grounds of objections :-

1. The learned Commissioner is misconstrued the facts and wrongfully held that the panchas who made the valuations on behàlf of the Muncipipality exercised the powers of requisition under sec. 63 of the B.M.B.Act, 1925 which vest in the Munaci-pality alone. As a matter of fact, the General Body, had its resolutions, decided upon reqgiring these properties and the owners also had agreed to it. The only dispute was anout the valuations. The owners were not willing to accept the valuation

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made by the Munacipality and were demanding more. The General Body then appointed a Sub-Committee of two councillors, described as panchas, privately to negotiate, determine and settle the prices with the owners, and the members of the Sub-Committee also, as delegates and duly authorised agents of the Muncaipality, entered into negotiations and finally settled the prices upon certain conditions, which the owners accepted in writing and the bargains were thus completed except the formal execution of the sale-deed. There was therefore no necessity of obtaining again the approval of the General Body or of the standing Committees either to the panch valuation or to the payments and there was thus no breach of the provision of sec. 63 of the B.M.B. Act, 1925.

2. Leaving apart the technincal aspect of the question there was no excess payment as such, and consequently no loss to the Muncipality entailing an action on the part of the Commissioner to order its recovery as a Sarcharge from the applicant and other members of the Sub-Committee. The valuation made by the Munacipal staff was under estimates in that other material factors necessary to be considered in acquiring properties had not been taken into account in those estimates: Whereas the Sub-Committee had considered not only the Munacipal estimates but also all the other materials factors and arrived at just and reasonable valuations which were confirmed to be so by he Munacipal Board at subsequent stages of the enquiry. At any rate there was bound to be differances of opinion in such matters between persons and persons, as has been considered even by the Commissioner in his order. The only objection taken by the Commissioner in this respect is that - " The opinion of an amatuer like a panch cannot out-weigh the expert opinion of the technical staff in the point of accuracy in the absence of valid reasons in favour of the former. With great respect, this view is not correct as the evidence will show.

In fact the memebers of the Sub-Committee were experienced men having very good knowledge of the localities concerned and the prevailing prices of properties therein and have also given very good valid reasons for arriving at those prices. There was no thus loss caused to the Municipality and the order of the Commissioner is therefore, illegal and ultra vires.

3. The legal aspect of the question that no approval of either the standing committee or the General Body was necessary in the circumstances was also the view of the staff concerned is clear also from the fact that the staff did not obtain such approval before it placed the payment of bills for the sanction of the standing committee. If in the circumstances the standing committee sanctioned the bills, the members, who were merely laymen, cannot be held responsible for such sanction. They were justified in assuming that every thing necessary to be done for such sanction had been got done by the staff. In the alternative, it is submitted that if at all standing committees approval was necessary for the valuation it can be implied and inferred from the fact of the sanction of the bills.

4. As regards C.T.S.No. 4196 the matter of its valuati was specifically placed before the Standing Committee and also before the General Body when re-appropriation regarding the amount, had to be got sanctioned and both the committees have sanctioned the re-appropriation by their resolutions No. 190 of 12-5-1938 and No. 117 of 27-6-1938 respectively. Thus the approval of both the bodies is there, and order of the Commissioner in this connection is wrong and illegal.

5. Although all the above facts regarding the legal aspect of the question were time to time brought to the notice of the authorities concerned, it was insisted that specific approval of the General Body to the valuations of the Panchas was necessary and the General Body, when approached for the

the purspose, approved the valuationsby its resolution No. 138 of 12-1-1944. Thus whatever technical defects or irregularities there migh have been, they were remedied and rectified by the said resolution and the order of the Commissioner, therefore, is illegal and ultra virex.

6. The Commissioner is wrong in holding only the applicants responsible for the alleged loss and that too jointly and severally. Other members of the standing - committee who were present at the meetings, when the bills were sanctioned, are equally responisble and although some of them were dead byx the expanations of the applican were called, the heirs of the deceased members should - also have been called upon to answer the liability under the shortage. This not having been done the order only against the surviving mamebers is illegal and ultra virex.

7. The order is also illegal and ultra virex in as much as the procedure before passing the order as laid down in secs. 10, 11 of the Bombay Local Fund Audit Act, 1930, has not been followed.

8. In any event, the order about recovery of even the cost of the material allowed to be removed by the owner of C.T.S. Nos. 224 and 227 as per settlement by the panchas is clearly illegal and ultra virex.

9. Without prejudice to the fore going contentions, it is further submitted that it appears that the bills in question were wrongly submitted for the sanction of the standing Committee. In submitting the bills, the staff concerned probabaly laboured under a mistake of law as well as of fact (i.e. practice). There was no duty cast on the stading committe to sanction such payments and - therefore, no liability could arise under such section obtained under a mutaul mistake of law and fact. Such a sanction is a nullity and the payments made cannot be be said to have been made in consequence of such sanctio

and the order of recovery is, therefore, not substancial in law and also in point of fact.

10. The matter is very old, i.e, of the year 1937-38 and the applicant has put forward only such contentions as he could gather from a hurried perusal of only some of the record. He should therefore, be permitted to put forward additional grounds or alter those already made at the subsequemnt stage or stages of this proceedings.

For all these reasons, it is prayed that the court be pleased to set aside the order in question.

The order served on the applicant is annexed to this application.

Belgaum.
4th May 1950.

sd.
Khemji Tukaram Godse.
Gangaram Dhakappa Bhandari

Presented on 5-6-1950.

sd. K.T.Godse. G.D.Bhandari

Subject:- Belgaum Municipality.
Paragraphs 13(a)(b) of the Audit Notes for 1937-38 and 38-39.

.....

No. Adt-1/15
Belgaum. 5-3-1950.

Read:-

1. Paragraphs 13(a) and (b) of the Audit Notes for 1937-38 and 38-39.

2. Correspondence ending with Govt.letter L.S.G & P.H.D. No.S.164/38871-A dated 8-2-50.

O R D E R.

City S.No. 4196 acquired by the Municipality by private negotiation for Rs. 1550/- as against Rs. 1080/- estimated by the technical staff of the Municipality. Similarl another peice of land comprosing S.Nos. 224 and 227 was -- purchased by the Municipality for Rs. 1450/- as against Rs. 1130/- estimated by the overseer. As there were no valid - reasons for the payment of the excess amount in both these cases the Ex miner Local Fund Accounts recommended that the loss due to the excess payment may be recovered from the persons responsible therefo On enquiry it is learnt that the valuations of Rs.1550/- and Rs. 1450/- were made by the panchas appointed by the Munacipa--lity and that the members of the standing committee authoris the payments of the amounts in both the cases without obtaini the approval of the General Body to the valuation made by the panchas thoygh the power under sec.-63 of the B.M.B.Act to acquire property had not been delegated to the Panchas or the standing Committee. The members of the Standing Committe who thus illegally authorised the payment the payment are primaril responsible for the loss in question. In response to the show cause notice they submit that as the valuations were made by the panchas appointed by the muncipality the mere fact that they differ from these fixed by the technical staff cannot - afford any ground for surcharge. They further submit that - there is bound to be a difference of opinion between persons and persons and that it should not be made a ground for - surcharge. It is true that there is likely to be a difference of opinion; bu the opinion of amatuer like a panch cannot - out-weigh the expert opinion of the technical staff in point of accuracy in the absence of valid reasons in favour of the former. In the present case no such reasons are forthcoming and in fact reasons have not been recorded at all. On the oht hand it is in evidence that the prices fixed by the technical staff were arrived at strictly in accordance with the rates sanctioned by the Munacipality in respect of the lands genera to be acquired, and that in respect of building at such rate as a new building of similar type and pattern would cost th owner to build. Since the valuations fixed by the panchas wer for in excess to waht was worked out by the technical staff according to the rates for acquisition of sites as fixed by the Municipality the specific approval of the Board should have been, but was not taken to make these excess payments. I therefore find that the members of the standing committee who authorised tha payment of the exorbitent prices for the lands in question and I do hereby certify under section 11 the Bombay L.F.Audit Act 1930 the amounts of Rs. 470/- and Rs. 422/- as due from the persons mentioned below:-

I. Rs. 470/- in respect of C.T.S.No. 4196 : from:

1. Mr. Walli Mohemad Noor Mohanad Shet.

2. Mr. Khemaji Tukaram Godse.

II. Rs. 422/- in respect of C.T.S.Nos. 224 and 227 fr

1. Mr. Mallappa Annappa Kolhapure.

2. Mr. Ramachandra Laxamn Malshet.

3. Gangappa Dhakappa Bhandari.

4. Khemaji Tukaram Godse.

Sd. V.S.Bhide.
Commissioner, S.D.

Copy to :

1. All the members mentioned in the order.
2. The Collector of Belgaum.
3. The President, Belgaum B.M. W.cs.
4. The Examiner L.F.Accounts Bombay W.cs.

tted to Govt. (L.S.G.& P.H.D.) with reference to Govt. letter No. S.164/38871-A dated 3-2-1950.

sd.
for Commissioner. S.D.

Misc. No. 43 of 1950.

In the Court of District Judge, at Belgaum.

1. Khemaji Tukaram Godse, B.No. 397/1, T,wadi, Belgaum. ... Applicant.

Against.

1. The Director of Local Authority, S.D. Belgaum.
2. The Belgaum Munacipal Borough, through its Chief Officer. ... Opponents.

An application under Section 13(1)(a) of the Bombay Local Fund Audit Act, 1930(Bombay Act No. XXV of 1930)

Herein, the applicant, above named, submits as follows:-

The applicant was a Member of the Municipal Borough, Belgaum, in the year 1937-1938. He was also a member of the Standing Committee during the period. The Municipality had under taken a scheme of constructing and widening Bhangi passages in the City of Belgaum. In furtherance of that -- scheme, it purchased C.T.S. 4196(a built area) for Khadak-gal Bhangi passage for Rs. 1550/- and C.T.S.No. 224 and 227 -- (partially built area) for Godse Gallix Bhangi passage, for Rs. 1450/- from the respective owners thereof by private - negotiations. A Sub-Committee of two members in each case was acopinted by the General Body as its delegates to dete -rmine and settle the prices with the owners. Accordingly, the members of the two committees visited the properties and approached the owners and fixed the above valuations, viz, Rs. 1550/- and Rs. 1450/- on certain conditions. The ~~office~~ staff owners agreed in writing to the prices as well as to the conditions. The office staff of the Munacipality concerned with this branch of the administration, prepared bills for payment to the owners and placed them for sanction before - the Standing Committee which sanctioned them, viz., Rs. 1450/ on 2-9-1937 and Rs. 1550/- on 5-5-1938. The amounts were - later on paid to the owners and sale-deeds obtained. These properties had been, before the proposed acquisition, valued by the Munacipalk staff of that branch at Rs. 1080/- for C.T.

C.T.S. 4196 and at Rs. 1130/- for C.T.S.No.224 and 227. Subsequently, the accounts of the Munaciapality were audited by the Examiner Local Fund Accounts, who objected to the excess payments in his audit notes. These objections were a matter of long discussion and correspondence between the Municipality and the Collector of Belgaum. The exaplanation given by the Municipality and at a very late stage called for from the applicant and other members of the Standing Committee were not accepted and finally the Commissioner S.D. was pleased to order on 5-3-55 under sec. 11 of the Bombay Local Fund Audit Act that the excess amounts of Rs. 470/- and 422/-(this probably includes value of material), which were unjustified and a loss to the Municipality, should be recovered from the applicant and some other members of the Standing Committee who were present at the meeting when the bills for payemnt were sanctioned and paid to the Munacipality. The applicant was at the one of two meetings of the Standing Committee with respect to C.T.S.No. 224 and 227 wherein the bills were sanctioned and he is held resposniblem for both the amounts joinly and severally with the others, as stated in the Commissioner's order, annexed herewith.

The applicant submits that this order of the Commissioner, which was received by him through registered post on 5-4-1950, is illegal, ultra vires and untenable even on facts and sets forth briefly, among others, the follwoing grounds of objections :-

1. The learned Commissioner is misconstrued the facts and wrongfully held that the panchas who made the valuations on behalf of the Municipality exercised the powers of requisition under sec. 63 of the B.M.B.Act, 1925 which vest in the Munaci-pality alone. As a matter of fact, the General Body, had its resolutions, decided upon requiring these properties and the owners also had agreed to it. The only dispute was anout the valuations. The owners were not willing to accept the valuation

made by the Munacipality and were demanding more. The Gene Body then appointed a Sub-Committee of two councillors, described as panchas, privately to negotiate, determine and settle the prices with the owners, and the members of the Sub-Committee also, as delegates and duly authorised agents of the Muncaipaaity, entered into negotiations and finally settled the prices upon certain conditions, which the owners accepted in writing and the bargains were thus completed - except the formal execution of the sale-deed. There was - therefore no necessity of obtaining again the approval of the General Body or of the standing Committees either to the panch valuation or to the payments and there was thus no breach of the provision of sec. 63 of the B.M.B. Act, 1925.

2. Leaving apart the technincal aspect of the question there was no excess payment as such, and consequently no loss to the Muncipality entailing an action on the part of the Commissioner to order its recovery as a Sarcharge from the applicant and other members of the Sub-Committee. The valuation made by the Munacipal staff was under estimates in that other material factors necessary to be considered in acquiring properties had not been taken into account in those estimates: Whereas the Sub-Committee had considered not only the Munacipal estimates but also all the other - materials factors and arrived at just and reasonable valua--tions which were confirmed to be so by he Munacipal Board at subsequent stages of the enquiry. At any rate there was bound to be differances of opinion in such matters between persons and persons, as has been conceded even by the Commissioner in his order. The only objection taken by the Commissioner in this respect is that - " The opinion of an amatuer like a panch cannot out-weigh the expert opinion of the technical staff in the point of accuracy in the - absence of valid reasons in favour of the former". With great respect, this view is not correct as the evidence will show.

In fact the memebers of the Sub-Committee were experienced men having very good knowledge of the localities concerned and the prevailing prices of properties therein and have also given very good valid reaons for arriving at those prices. There was no thus loss caused to the Munacipality and the order of the Commissioner is therefore, illegal and ultra vires.

3. The legal aspect of the question that no approval of either~~xxxx~~ the standing committee or the General Body was necess ry in the circumstances was also the view of the staff concerned is clear also from the fact that the staff did not obtain such approval before it placed the payment of bills for the sanction of the standing committee. If in the circumstances the standing committee sanctioned the bills, the members, who were merely laymen, cannot be held responsible for such sanction. They were justified in assuming that every thing necessary to be done for such sanction had been got done by the staff. In the alternative, it is submitted that if at all standing committee's approval was necessary for the valuation it can be implied and inferred from the fact of the sanction of the bills.

4. As regards C.T.S.No. 4196 the matter of its valuation was specifically placed before the Standing Committee and also before the General Body when re-approprdiation regarding the amount, had to be got sanctioned and both the committees have sanctioned the re-appropriation by their resolutions No. 190 of 12-5-1938 and No. 117 of 27-6-1938 respectively. Thus the approval of both the bodies is there, and order of the Commissioner in this connection is wrong and illegal.

5. Although ~~xxx~~ all the above facts regarding the legal aspect of the question were time to time brought to the notice of the authorities concerned, it was insisted that specific approval of the General Body to the valuations of the Panchas was necessary x and the General Body, when approached for the

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6. The Commissioner is wrong in holding only the applicants responsible for the alleged loss and that too jointly and severally. Other members of the standing committee who were present at the meetings, when the bills were sanctioned, are equally responisble and although some of them were dead byx the expanations of the applican were called, the heirs of the deceased members should also have been called upon to answer the liability under the shortage. This not having been done the order only against the surviving memebers is illegal and ultra vires.

7. The order is also illegal and ultra vires in as much as the procedure before passing the order as laid down in secs. 10, 11 of the Bombay Local Fund Audit Act, 1930, has not been followed.

8. In any event, the order about recovery of even the cost of the material allowed to be removed by the owner of C.T.S. Nos. 224 and 227 as per settlement by the panchas is clearly illegal and ultra vires.

9. Without prejudice to the fore going contentions, it is further submitted that it appears that the bills in qusstion were wrongly submitted for the sanction of the standing Committee. In submitting the bills, the staff concerned probabaly laboured under a mistake of law as well as of fact (i.e. practice). There was no duty cast on the stading committe to sanction such paments and therefore, no liability could arise under such saction obtained under a mutaul mistake of law and fact. Such a sanction is a nullity and the payments made cannot be be said to have been made in consequence of such saction

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For all these reasons, it is ara ed that the court be pleased to set aside the order in question.

The order served on the applicant is annexed to this application.

Belgaum.
4th May 1950.

sd.
Khemaji Tukaram Godse.

Prsented on 5-6-1950.

sd. K.T.Godse.

Misc. No. 44 of 1950.

In the Court of District Judge, at Belgaum.

1. Mallappa Annapa Kolhapure ... .. Applicant.

Against.

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C.T.S. 4196 and at Rs. 1130/- for C.T.S.No.224 and 227. Subsequently, the accounts of the Munaciapality were audited by the Examiner Local Fund Accounts, who objected to the excess payments in his audit notes These objections were a matter of long discussion and correspondence between the Municipality and the Collector of Belgaum. The exaplanation given by the Municipality and at a very late stage called for from the applicant and other members of the Standing Committee were not accepted and finally the Commissioner S.D. was pleased to order on 5-3-50 under sec. 11 of the Bombay Local Fund Audit Act that the excess amounts of Rs. 470/- and 422/-(this probably includes balue of material), which were unjustified and a loss to the Municipality, should be recovered from the applicant and some other members of the Standing Committee who were present at the meeting when the bills for payment were sanctioned and paid to the Munaciapality. The applicant was at the one of two meetings of the Standing Committee with respect to C.T.S.No. 224 and 227 wherein the bills were sanctioned and he is held resposnibles for both the amounts joinly and severally with others, as stated in the Commissioner's order, annexed herewith.

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the purspose, approved the valuationsby its resolution No. 138 of 12-1-1944. Thus whatever technical defects or irregularities there migh have been, they were remedied and rectified by the said resolution and the order of the Commissioner, therefore, is illegal and ultra virex.

6. The Commissioner is wrong in holding only the applicants responsible for the alleged loss and that too jointly and severally. Other members of the standing - committee who were present at the meetings, when the bills were sanctioned, are equally responisble and although some of them were dead byx the expanations of the applicant were called, the heirs of the deceased members should - also have been called upon to answer the liability under the shortage. This not having been done the order only against the surviving memebers is illegal and ultra virex.

7. The order is also illegal and ultra virex in as much as the procedure before passing the order as laid down in secs. 10, 11 of the Bombay Local Fund Audit Act, 1930, has not been followed.

8. In any event, the order about recovery of even the cost of the material allowed to be removed by the owner of C.T.S. Nos. 224 and 227 as per settlement by the - panchas is clearly illegal and ultra virex.

9. Without prejudice to the fore going contentions, it is further submitted that it appears that the bills in question were wrongly submitted for the sanction of the standing Committee. In submitting the bills, the staff concerned probabaly laboured under a mistake of law as well as of fact (i.e, practice). There was no duty cast on the stading committe to sanction such payents and - therefore, no liability could arise under such saction obtained under a mutaul mistake of law and fact. Such a sanction is a nullity and the payments made cannot be be said to have been made in consequence of such sanctions

and the order of recovery is, therefore, not substancial in law and also in point of fact.

10. The matter is very old, i.e, of the year 1937-38 and the applicant has put forward only such contentions as he could gather from a hurried perusal of only some of the record. He should therefore, be permitted to put forward additional grounds or alter those already made at the subsequemnt stage or stages of this proceedings.

For all these reasons, it is prayed that the court be pleased to set aside the order in question.

The order served on the applicant is annexed to this application.

Belgaum.
4th May 1950.

sd.
Khemaji Lukaram Godsa.
Mallapa Annapa Mallapur

Presented on 5-6-1950.

sd. ~~K.V. Godse.~~ M A Mallapur

No. 17710

Office of the
Remembrancer of Legal Affairs,
Bombay Castle (Bombay No.1) 8th November 1951.

MEMORANDUM.

Sub:-Misc.Applications Nos.42, 43 and 44 of 1950.

The District Government Pleader, Belgaum is informed that the defence of the Misc.Applications noted above is sanctioned and he is requested to conduct the same on the lines of the brief, in Misc. Applications Nos. 41, and 45 accompanying Government Resolution Legal Department No.7312 dated the 17th May 1951.

Papers of the cases in three files received from the Director of Local Authorities, S.D. Belgaum accompany.

for Remembrancer of Legal Affairs.

To

The District Government Pleader,
Belgaum.

Copy to the Director of Local Authorities, S.D. Belgaum for information.

GKV.7.11.51.

L&Q + PWD file 00
S 119 retd to Dhar Dept
on 28-11-51
Ltr D 28807 dt No. 19118. dt 29.11.51.

Cancelled
29/11

23 4

Suits:
Belgaum.

Application for a declaration that the order of the Commissioner holding the applicants liable for the loss to the municipality is illegal and ineffective.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No. 18/32
Bombay Castle, 26th November 1951.

Letter from the Director of Local Authorities, Southern Division, Belgaum No. Adt.1/15, dated the 20th October 1951 forwarding the papers in the Applications noted in the margin and requesting sanction to its defence.

In the Court of District Judge, Belgaum	
Miscellaneous Application No. 42 of 1950.	
Gangaram Dhakappa Bhandari .. .. Applicant	
vs.	
The Director of Local Authorities S.D., Belgaum & Anr.. Opponents.	
Miscellaneous Application No. 43 of 1950	
Khemji Tukaram Godse.. .. Applicant	
vs.	
The Director of Local Authorities S.D.Belgaum & Anr.. Opponents	
Miscelleneous Application No. 44 of 1950.	
Mallappa Annappa Kolhapure .. Applicant	
Vs.	
The Director of Local Authorities S.D.Belgaum & Anr.. Opponents.	

Memorandum to the District Government Pleader, Belgaum No. 17710, dated the 8th November 1951.

RESOLUTION: Sanction is accorded to the defence of the applications on the lines of the brief, in the Miscellaneous Applications Nos. 41 and 45, accompanying Government Resolution, Legal Department No. 7812, dated the 17th May 1951.

By order of the Governor of Bombay,

original R.T. Katarki,
Deputy Secretary to Government.

To
The Local Self Government & Public Health Department,
The Director of Local Authorities, S.S., Belgaum,
The District Government Pleader, Belgaum.

HSP/24/11

Submitted for Sign.
26/11 D.S. (civil)

Subito after vacc
file in S. Belpaese/51 (new)